

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

**SECURITIES AND EXCHANGE
COMMISSION,**

Plaintiff,

-against-

**ROBERT J. MUELLER, DEEPROOT FUNDS
LLC (a/k/a dprt Funds, LLC), AND POLICY
SERVICES INC.,**

Defendants,

-and-

**DEEPROOT TECH LLC, DEEPROOT
PINBALL LLC, DEEPROOT STUDIOS LLC,
DEEPROOT SPORTS & ENTERTAINMENT
LLC, DEEPROOT RE 12621 SILICON DR LLC,
AND ROBERT J. MUELLER, JEFFREY L.
MUELLER, AND BELINDA G. BREEN, AS CO-
TRUSTEES OF THE MB HALE OHANA
REVOCABLE TRUST,**

Relief Defendants.

Civil Action No.: 5:21-cv-785-XR

**PLAINTIFF'S APPLICATION FOR CLERK'S ENTRY OF DEFAULT AGAINST
RELIEF DEFENDANTS DEEPROOT SPORTS & ENTERTAINMENT LLC
AND DEEPROOT RE 12621 SILICON DR LLC**

Plaintiff Securities and Exchange Commission ("Commission"), pursuant to Rule 55 of the Federal Rules of Civil Procedure, requests the Clerk of this honorable Court to enter a default against Relief Defendants deeproot Sports & Entertainment LLC and deeproot RE 12621 Silicon Dr LLC ("Defaulting Defendants") for their failure to answer, plead, or otherwise respond to the Complaint filed in this action. In support of this request, the Commission shows the following:

1. The Commission filed its Complaint in case on August 20, 2021 (ECF No.1), naming the Defaulting Defendants as Relief Defendants.

2. Also on August 20, 2021, the Commission provided the Defaulting Defendants with a copy of the Complaint and requested that the Defaulting Defendants waive service of the Complaint pursuant to Fed. R. Civ. P. 4(d). The Defaulting Defendants waived service of a summons and the Complaint on September 29, 2021 (ECF Nos. 12 & 13) making their answers and responsive pleadings due on or before October 19, 2021.

3. On October 13, 2021, the Court granted Defendant Robert Mueller's Unopposed Motion to Extend the Deadline for All Defendants to File an Answer or Other Responsive Pleading to November 19, 2021 (ECF No. 17).

4. On November 15, 2021, the Court granted Defendant Robert Mueller's Second Unopposed Motion to Extend the Deadline for All Defendants to File an Answer or Other Responsive Pleading to December 20, 2021 (ECF No. 24).

5. On December 17, 2021, the Court granted Defendant Robert Mueller's Third Unopposed Motion to Extend the Deadline for All Defendants to File an Answer or Other Responsive Pleading to January 24, 2022 (ECF No. 31).

6. On January 20, 2022, the Court granted Defendant Robert Mueller's Unopposed Motion to Extend the Deadline for All Defendants to File an Answer or Other Responsive Pleading to February 7, 2022 (ECF No. 39).

7. To date, the Defaulting Defendants have not filed an answer to the Complaint or other responsive pleading. The Defaulting Defendants have not sought any further extensions of time in which to respond to or defend against the Complaint in this civil action.

8. The Defaulting Defendants are not infants, in the military, or incompetent persons, and are not eligible for relief under the Service Members Civil Relief Act of 2003, 50 U.S.C. Appendix § 501 *et seq.*

Date: May 2, 2022

Respectfully submitted,

/s/ David A. Nasse

David Nasse
Trial Counsel

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CERTIFICATE OF SERVICE

I certify that on the 2nd day of May, 2022, a true and correct copy of the foregoing document was filed electronically through the Court's CM/ECF system, which will send copies to all counsel of record.

/s/ David A. Nasse

David A. Nasse

*Counsel for Plaintiff United States Securities
and Exchange Commission*